REMARKS

The claimed invention is directed to "moving" an omni-directional scan pattern relative to a window. In contrast, both U.S. Patent No. 5,975,417 to Spencer and U.S. Patent No. 4,009,369 to Hayosh teach the formation of a "static" scan pattern at a window. The obviousness rejection over these two references cannot stand.

As the Examiner has admitted, Spencer lacks the teaching of an oscillating mirror. In other words, the deflection mirror 26a of Spencer is stationary. There is not one word in Spencer that he intends to move the deflection mirror 26a.

Yet, despite this lack of teaching, the Examiner deemed it would be obvious to move Spencer's deflection mirror 26a in view of the fact that mirror 84 in Figs. 10-11 of Hayosh is movable. It is, of course, true that mirror 84 is movable, but only to create a two-dimensional scan pattern, not to move the entire scan pattern itself.

The mirror 84 of Hayosh deflects the incident beam 82 in one direction, and the mirrored polygon 88 moves the beam in an orthogonal direction to create one of the omni-directional scan patterns depicted in Figs. 5, 7, 8, 9, 15, 18 or 19. Each of these scan patterns is static, that is, the scan pattern repeats itself by generating the same scan lines at the same locations on the exit window. The same is true, as noted above, for Spencer, where a static scan pattern is generated at the exit window.

Therefore, both cited references are in keeping with the prior art in that a static omni-directional scan pattern can be located at an exit window. There is no suggestion anywhere in the applied art that one would want to move the entire scan pattern itself.

In supporting her obviousness rejection, the Examiner held that the skilled artisan would have readily recognized that "the oscillation of the mirror (26a) would have been beneficial for creating a beam having a wider range of movement to thereby cover a wider range of the indicia being scanned". Given the fact that Spencer's mirror 26a is stationary, applicants cannot understand why the Examiner believes that one would readily recognize that it could be moved. To refer to Hayosh, there must be some hint or motivation in Spencer to suggest that the mirror 26a could be moved.

In any event, if the skilled artisan were to refer to Hayosh, all the artisan would reasonably conclude that it is old to oscillate a scan mirror to achieve scanning of a laser beam in one direction. Hayosh's moving mirror 84 might be a replacement for Spencer's movable spinner 24, but not for Spencer's stationary mirror 26a.

In summary, both Hayosh and Spencer generate static scan patterns at an exit window, whereas applicants are concerned with moving the entire scan pattern.

Allowance of all claims is respectfully requested. New dependent claim 11 was added for additional coverage since the art does not disclose applicants' claimed flexure 68.

Wherefore, a favorable action is earnestly solicited.

Respectfully submitted,

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